

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

**ANTHONY GILLESPIE,**

**Plaintiff,**

**vs.**

**9:08-CV-1339**

**NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES, ET AL,**

**Defendants.**

---

**Thomas J. McAvoy,  
Sr. U.S. District Judge**

**DECISION & ORDER**

This *pro se* civil rights action pursuant to 42 U.S.C. § 1983 was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c).

The Report-Recommendation dated February 22, 2010 recommended that Plaintiff's Complaint be dismissed. Plaintiff did not timely file objections to the Report-Recommendation. On or before the time for filing objections, Plaintiff requested a sixty day extension of time within which to file objections. In his request, Plaintiff did not specify any reasons for the extension. Because no reasons were given, the Court found that Plaintiff did not establish good cause for the extension as required by Fed. R. Civ. P. 6. The Court, nevertheless, determined to treat Plaintiff's request for an extension of time as a general objection and, thus, to conduct a *de novo* review of the

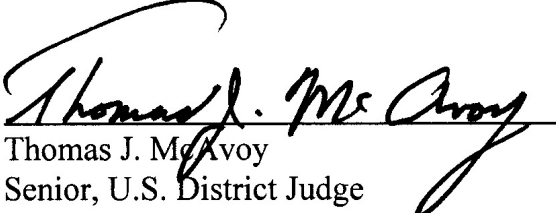
motion to dismiss.

After a de novo review, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. The Judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” Id. Having reviewed the record *de novo*, the Court has determined to accept and adopt the recommendation for the reasons stated therein.

For the foregoing reasons, it is **ORDERED** that Complaint be DISMISSED.

**IT IS SO ORDERED.**

Dated: March 19, 2010

  
Thomas J. McAvoy  
Senior, U.S. District Judge